

## MEETING RECORD

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, June 7, 2006, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska

**MEMBERS IN ATTENDANCE:** Jon Carlson, Gene Carroll, Michael Cornelius, Dick Esseks, Gerry Krieser, Roger Larson, Mary Strand, Lynn Sunderman and Tommy Taylor; Marvin Krout, Ray Hill, Brian Will, Mike DeKalb, Tom Cajka, Greg Czaplewski, Joe Rexwinkle, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.

**STATED PURPOSE OF MEETING:** Regular Planning Commission Meeting

Chair Jon Carlson called the meeting to order and requested a motion approving the minutes for the Public Listening Forum held May 17, 2006, on the Long Range Transportation Plan. Motion for approval made by Strand, seconded by Carroll and carried 9-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Sunderman, Strand and Taylor voting 'yes'.

Carlson then called for a motion approving the minutes for the regular meeting held May 24, 2006. Motion for approval made by Strand, seconded by Carroll and carried 9-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Sunderman, Strand and Taylor voting 'yes'.

### **CONSENT AGENDA**

#### **PUBLIC HEARING & ADMINISTRATIVE ACTION**

##### **BEFORE PLANNING COMMISSION:**

June 7, 2006

Members present: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Strand, Sunderman and Taylor.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 06037; SPECIAL PERMIT NO. 06033; ANNEXATION NO. 06010; and PRELIMINARY PLAT NO. 06007, GALE ADDITION.**

Ex Parte Communications: None.

**Item No. 1.3a, Annexation No. 06010, and Item No. 1.3b, Preliminary Plat No. 06007,** were removed from the Consent Agenda and scheduled for separate public hearing. Carroll

moved to approve the remaining Consent Agenda, seconded by Strand and carried 9-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Strand, Sunderman and Taylor voting 'yes'.

Note: This is final action on Special Permit No. 06033, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

**REQUESTS FOR DEFERRAL:**

**CHANGE OF ZONE NO. 06036**  
**FROM COUNTY I INDUSTRIAL DISTRICT**  
**TO CITY I-1 INDUSTRIAL DISTRICT AND**  
**H-2 HIGHWAY BUSINESS DISTRICT,**  
**ON PROPERTY GENERALLY LOCATED**  
**AT N. 134<sup>TH</sup> STREET AND "O" STREET.**

June 7, 2006

Members present: Strand, Taylor, Larson, Carroll, Esseks, Cornelius, Krieser, Sunderman and Carlson.

Staff recommendation: Deferral until June 21, 2006.

Ex Parte Communications: None.

Carroll moved to defer with continued public hearing and action scheduled for June 21, 2006, seconded by Taylor and carried 9-0: Strand, Taylor, Larson, Carroll, Esseks, Cornelius, Krieser, Sunderman and Carlson voting 'yes'.

Greg Czaplewski of Planning staff explained that the memorandum included in today's agenda stated that this application would be readvertised for change from I to H-2; however, it will be readvertised for I-1 instead of H-2.

**COMPREHENSIVE PLAN CONFORMANCE NO. 06006**  
**TO REVIEW PROPOSED DECLARATION OF**  
**SURPLUS PROPERTY**  
**and**  
**CHANGE OF ZONE NO. 06034**  
**FROM P PUBLIC USE TO R-6 RESIDENTIAL,**  
**ON PROPERTY GENERALLY LOCATED AT**  
**THE NE CORNER OF S. 27<sup>TH</sup> STREET AND OLD CHENEY ROAD.**

June 7, 2006

Members present: Strand, Taylor, Larson, Carroll, Esseks, Cornelius, Krieser, Sunderman and Carlson.

Staff recommendation: Approval.

Ex Parte Communications: None.

The Clerk announced that there has been a request to defer until June 21, 2006, for purposes of readvertising the change of zone application.

Carroll moved to defer, with continued public hearing and action on June 21, 2006, seconded by Strand and carried 9-0: Strand, Taylor, Larson, Carroll, Esseks, Cornelius, Krieser, Sunderman and Carlson voting 'yes'.

**PLANNING COMMISSION REVIEW EDITION**  
**OF THE DRAFT SIX-YEAR CAPITAL IMPROVEMENTS**  
**PROGRAM FOR FY2006/2007- 2011/2012.**  
**ACTION BY PLANNING COMMISSION:**

June 7, 2006

Members present: Strand, Taylor, Larson, Carroll, Esseks, Cornelius, Krieser, Sunderman and Carlson.

Ex Parte Communications: None.

Additional information submitted for the record: The Clerk submitted one communication from the Lincoln Neighborhood Alliance requesting that the funding for sidewalk maintenance and repair be increased (attached hereto, marked Exhibit AA and incorporated herein by this reference); and 17 communications concerning the Southwest Wastewater Facility (attached hereto, marked Exhibits J through Z and incorporated herein by this reference).

Strand moved to approve the staff recommendation, seconded by Sunderman.

Strand moved to amend to find that Projects 12-24 (Antelope Valley projects) listed under Public Works, Street and Highways, are not in conformance with the Plan, seconded by Sunderman.

Strand believes that Antelope Valley is an extremely important project for the city as it will greatly help traffic, and more importantly, it will help UNL, so she is not finding fault with Antelope Valley. Her concern is that the CIP takes an extremely broad reading of the new construction funds from wheel tax. Tearing up old streets and resurfacing and creating new streets is a fairly broad interpretation and perhaps too much has been put towards one project and not enough towards the others, so she does not believe it is in conformance with the Plan. The wheel tax funds were to be set aside for new construction in new areas so she does not believe the Antelope Valley projects conform.

Larson was concerned about the effect this might have on Antelope Valley. Strand agreed that it will be necessary to find the funding to do Antelope Valley, but she does not think it should be at the expense of all other projects where we had a wheel tax increased for new construction projects. How do you define new construction? Larson is concerned that taking the funds out of the Antelope Valley projects will hold up some state and federal funding and hold up the Antelope Valley projects. Strand suggested that we need to go ahead with the Antelope Valley projects, but perhaps other projects need to bump out of the way. The CIP is not meeting the needs of the new construction areas.

Esseks believes that spending public money on Antelope Valley is in conformance because the Plan calls for this project to be developed to fruition. The issue is whether the city has identified the right sources. That is a separate issue. The overall purpose of the expenditure is in conformance. The more technical issue of where you get the funding is at stake.

Strand does not believe we are in conformance with the new construction wheel tax funding. Antelope Valley is important and needs to be continued to be funded, but we need to fund the new construction areas with the wheel tax money so set aside.

Carroll agreed that Antelope Valley is in the Plan and in compliance. The question is with the definition of "new construction" under the wheel tax issue, and he believes that is a decision for someone else to make. He believes that the projects that are in this CIP are in conformance with the Plan. Maybe we need to debate the new construction definition at another time.

Cornelius agreed with Carroll.

Sunderman commented that whether we like Antelope Valley or not, we need to realize that it is taking a lot of the city's funds, pulling from other worthwhile projects and slowing down other items that need to be done. Antelope Valley could be delaying or preventing quality

expansion for new streets, roads, sidewalks, etc.

Larson stated that he will vote against the motion because he believes that the commitment to Antelope Valley has been made over and over and over again. It is in process. Even though he agrees it is taking funds from other worthy projects, he believes that we are past the place where we can “un-commit” for these projects and we need to move ahead.

Strand re-emphasized that she is not against Antelope Valley. There is a list of 34 projects with nothing for new areas outside of the Beltways and Antelope Valley. There is nothing for new construction. It is a great oversight in how we are distributing the funding that is available.

Carlson noted that the point has been well made, but it is important that people realize that budgets are tight and that priorities are being set. In terms of support for the amendment, he views that his obligation is to look to the Plan -- Antelope Valley is in the Plan, the maps are in the Plan and the projects are in the Plan, so he cannot say that it is not in conformance with the Plan.

Motion to amend to find Projects 12-24 under Public Works, Streets and Highway, not in conformance with the Plan failed 3-6: Strand, Krieser and Sunderman voting ‘yes’; Taylor, Larson, Carroll, Esseks, Cornelius and Carlson voting ‘no’.

Cornelius made a motion to amend to find Project #10 under Public Works, Streets and Highways, Sidewalks Maintenance and Repair, not in conformance with the Plan, seconded by Esseks.

Cornelius pointed out that the CIP removes 3/4 of the funding for sidewalk maintenance and repair and he believes that does not comply with the pedestrian section of the Plan. The Plan clearly states that pedestrian is a major mode of transportation to be supported and he believes cutting the budget this drastically fails to do that, even with the understanding that this is a tough budget problem.

Esseks commented that the quality of neighborhoods is defined by many indicators, one very obvious indicator being the condition of the sidewalks. If they are crumbling, or differing in elevation, it may contribute to the perception that the neighborhood is in process of degradation, which is very serious with regard to property values and precedence for the city. We do not want to force people to find housing opportunity elsewhere. We need to do every possible to retain the viability of existing neighborhoods, and maintaining good, safe sidewalks is an important step.

Strand agreed; however, the project is in the Comprehensive Plan. We may not like the dollars allocated, but if it's in the budget, then she will vote the way the majority voted on the last issue (Antelope Valley projects).

Carlson referred to page F89 of the Comprehensive Plan, "Pedestrians":

...to preserve and enhance the quality of life for Lincoln, consistent maintenance of the existing pedestrian system and additional facilities are needed.

Thus, the Comprehensive Plan does say that we need consistent maintenance of the existing system. Carlson then referred to page 23 of the public hearing minutes (May 24, 2006):

(Question to Director Fredrickson): Based on the amount budgeted in the CIP, how are we going to accomplish the Comprehensive Plan goal to have a safe, extensive and thorough sidewalk system, particularly in older neighborhoods?

(Answer): "There is not enough money to do it".

Carlson agreed that it is a decision of the City Council, but this discussion shines a little light on the issue and illustrates the point -- let's don't pretend that kind of money is going to accomplish what is in the Plan. To have the recommendation that it is in conformance is not the right way to go. They need to make the hard decisions.

Carroll agreed. As far as consistent maintenance, yes, the dollars are inadequate, but there needs to be some push forward to increase the maintenance of the sidewalk system because it is important to the pedestrians and the city. It is not in conformance because it is not a consistent dollar amount to take care of the problem.

Larson believes that it is the job of the Planning Commission to recommend the Comprehensive Plan and most of these items are budget considerations, which are not the job of the Planning Commission. He believes that the Planning Commission should make a recommendation as to what needs to be done and let the City Council decide on the priorities. We need to recommend what we want.

Carlson clarified that the motion to amend is making a recommendation that the dollar amount is inadequate.

Esseks would like to consider both the purpose for the expenditure and the relative quantities. Sometimes the proposed relative quantity can be such a token nature that the purpose cannot be realized. The \$250,000 is a token amount, which means that one of the objectives of the Comprehensive Plan is not being realized and the Planning Commission should draw attention to that.

Carlson pointed out that the goal is in the Plan, but the dollar amount is not. Larson thinks that the purpose of the Comprehensive Plan is to set the goals and it is not a budgetary document. The Planning Commission should recommend a plan that is what we want the community to be, and then it is up to the City Council to find the money, and we need to find the money as the city.

Cornelius clarified that the purpose of his motion was not necessarily to count dollars and cents, but to point out that merely having a line item in the CIP isn't sufficient to guarantee compliance with the Plan. The first paragraph in the "*Pedestrian*" section sets a goal. Does this line item achieve that goal? His motion is to suggest that it does not.

Sunderman agreed with the motion. Sidewalks are important, roads are important, infrastructure is important – it is the basic foundation of a city and we are not recognizing the fact that it takes ongoing maintenance, building and growth to keep the city moving on a steady pace. We are slowly falling behind on these projects and on this maintenance. Strand pointed out that the city is over 200 million dollars behind in street projects right now. We have a 40-year sidewalk plan. She is not sure "not in conformance with the Plan" is going to fix the budget. It is going to take more than that.

Larson does not believe it is the Planning Commission's job to fix the budget.

Motion to amend to find Project #10 under Public Works, Streets and Highways, Sidewalk Maintenance and Repair, not in conformance with the plan, carried 6-3: Larson, Carroll, Esseks, Cornelius, Sunderman and Carlson voting 'yes'; Strand, Taylor and Krieser voting 'no'.

Main motion, as amended, carried 9-0: Strand, Taylor, Larson, Carroll, Esseks, Cornelius, Krieser, Sunderman and Carlson voting 'yes'.

**DRAFT FY 2007-2009 AND 2010-2012**  
**TRANSPORTATION IMPROVEMENT PLAN.**  
**ACTION BY PLANNING COMMISSION:**

June 7, 2006

Carroll moved approval of the staff recommendation, which is a finding of general conformance with the Comprehensive Plan, seconded by Strand and carried 9-0: Strand, Taylor, Larson, Carroll, Esseks, Cornelius, Krieser, Sunderman and Carlson voting 'yes'.

**ANNEXATION NO. 06010**  
**and**  
**PRELIMINARY PLAT NO. 06007,**  
**GALE ADDITION,**  
**ON PROPERTY GENERALLY LOCATED**  
**AT N. 9<sup>TH</sup> STREET AND MORTON STREET.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

June 7, 2006

Members present: Strand, Taylor, Larson, Carroll, Esseks, Cornelius, Krieser, Sunderman and Carlson.

Staff recommendation: Approval of the annexation and conditional approval of the preliminary plat.

Ex Parte Communications: None.

These applications were removed from the Consent Agenda and had separate public hearing at the request of the applicant.

Staff presentation: Tom Cajka of Planning staff presented the proposed subdivision consisting of 22 lots generally located at 14<sup>th</sup> & Morton Streets. It is immediately adjacent and west of the Pinecrest subdivision which is building houses now. The proposed plat consists of 18 single-family lots and 4 attached single-family lots. All of the utilities are available to this subdivision. Morton Street is paved with curb and gutter up to this subdivision and adjacent to it is a gravel rural county road that will be required to be brought to city urban standards. The applicant has requested no waivers on this development. There are two lots (Lots 12 and 13) that abut I-80. Because this is a preliminary plat and not a CUP, the city cannot require the developer to install any type of noise barrier such as berms or sound walls. The only subdivision requirement is that there be screening on the rear of the lots next to the interstate.

Strand wondered whether the Health Department could regulate it if there were violations of the noise ordinance. Cajka suggested that the Health Department would only regulate noise caused from the development. Strand then referred to the Health Department comments, which state that the Health Department advises that the Nebraska Department of Roads I-80 Upgrade Draft Environmental Assessment be consulted relative to the predicted noise contours and possible noise abatement strategies to address interstate noise. Cajka responded, stating that the Health Department can make a recommendation, but it cannot be a requirement of this subdivision.

Carroll inquired whether Lots 12 and 13, which are next to the Interstate, will be walkouts. Dennis Bartels of Public Works advised that there is not enough information to judge how that

grading relates to the paving of the interstate. The lots appear to be dropping. Both lots look to be lower than the interstate right-of-way line.

### Proponents

**1. Matt Langston of ESP** appeared on behalf of the applicant and stated that the applicant accepts all conditions of approval, with exception of Condition #1.1.15 and Condition #1.1.16. He requested that Condition #1.1.15 be deleted and that Condition #1.1.16 be modified accordingly. Condition #1.1.15 requires that the detention cell be shown on an outlot. Langston showed on the map where the detention cell is located in the back of two of the attached residential lots. These lots will be retained by the developer as rental properties. There will be a fence around the detention cell. They wish to locate the detention cell in this manner in order to not lose one lot and make the most out of the development. There are no requirements that the detention cell must be on its own outlot.

Carroll inquired about a homeowners association. Langston advised that there will be a homeowners association and the covenants will provide that the homeowners association will be responsible for the maintenance of the detention cell. The detention cell will abut Morton Street, so he does not believe the maintenance will be a problem. The homeowners association will not own the property on which the detention cell is located, but will be required to maintain the detention cell.

Strand does not understand how a homeowners association can be required to maintain a detention cell on someone else's property, should those lots be sold in the future. Langston again stated that it will be set forth in the covenants that if the lots are ever sold, the homeowners will own the land but the detention cell must be kept in a working and pre-sale state. The detention cell will be located on an easement.

Carlson inquired about the elevation of the development with the interstate. Langston stated that the right-of-way is significantly above the interstate, but then from the right-of-way down into the lots to the southeast it does slope down and the right-of-way creates a natural berm. They have not planned an additional berm because this parcel has five to six dozen pine trees that are 20-30 feet tall. He is guessing that Lots 12 and 13 will have split-level homes. He does not believe they could be walkouts.

There was no testimony in opposition.

Dennis Bartels of Public Works addressed the detention cell condition. Public Works is concerned about the maintenance as well as the safety. There appear to be retaining walls on three sides that are six to seven feet below the area of the lot, taking out the back 25+ feet of those lots, making it potentially unsafe unless it is fenced through the 25' back yard surrounding the detention pond. He believes they are losing the rear 26 feet, but there is

nothing in the standards that say it can't happen that way. Public Works is concerned about the retaining walls forming the storage rather than gradual slopes into the pond. Theoretically, they could step into 7-8 feet of water in the pond right outside the back door. Public Works would have less concern if the detention cell were located on an outlot with a fence.

Esseks suggested that if what the developer is requesting is within the law, then maybe the law should be improved.

Carroll confirmed that Lot 1 still becomes a buildable lot with the detention pond. Cajka agreed. From a planning standpoint, one section of the subdivision ordinance talks about creating "desirable lots". Planning does not believe these are "desirable lots" when almost half of the lot is in the easement for a detention cell that is in the rear of the lot.

Cajka stated that staff is also concerned about the maintenance issue in the covenants. The Planning Department gets calls all the time about enforcement of covenants, but the City does not enforce covenants. It is a private issue. In the long run, Cajka could see potential problems with final platting in the future if the lots are sold. Therefore, the preferred solution is to put the detention cell on a separate outlot with the homeowners association maintaining and possibly owning the outlot.

Esseks confirmed that if the staff recommendation is approved, the developer loses one lot. Cajka concurred. They would probably lose one lot, but not two.

#### Response by the Applicant

Langston suggested that if they do put the detention cell on an outlot, the concerns about the retaining wall and possible depth of the cell would be about the same because the area is pretty equivalent if they turned it and put it on its own lot. They will install a fence around the detention cell.

Esseks wondered whether this ultimately creates a nonconforming lot because that lot would be sold minus the back half. Langston stated that if the lot is sold, it would be sold as an entire lot, including the detention cell. The detention cell will not be its own lot.

Larson does not understand how they could sell a lot that has a detention pool that has a covenant that the homeowners association is maintaining it. Langston stated that it would be a structure and the homeowners association would be required to clear any debris, etc. to maintain the quality of the integrity of the retaining wall.

Strand could agree if those homeowners who have the detention cell are liable for the maintenance, but she cannot agree to make someone else liable for it where they have to have that land to be buildable lots. How are you going to have someone own it but someone

else responsible for taking care of it? Langston reiterated that the detention cell would be a structure that belongs to the association, the same as a transmission tower belonging to LES that may be in someone's yard.

**ANNEXATION NO. 06010**

**ACTION BY PLANNING COMMISSION:**

June 7, 2006

Strand moved approval, seconded by Larson and carried 9-0: Strand, Taylor, Larson, Carroll, Esseks, Cornelius, Krieser, Sunderman and Carlson voting 'yes'. This is a recommendation to the City Council.

**PRELIMINARY PLAT NO. 06007**

**ACTION BY PLANNING COMMISSION:**

June 7, 2006

Strand moved to approve the staff recommendation of conditional approval, seconded by Carroll and carried 9-0: Strand, Taylor, Larson, Carroll, Esseks, Cornelius, Krieser, Sunderman and Carlson voting 'yes'. This is final action, unless appealed to the City Council within 14 days.

**COUNTY CHANGE OF ZONE NO. 06030**

**FROM AG AGRICULTURAL TO AGR AGRICULTURAL RESIDENTIAL  
and**

**COUNTY PRELIMINARY PLAT NO. 06006,**

**PONDEROCA CROSSING,**

**ON PROPERTY GENERALLY LOCATED**

**AT THE NW CORNER OF S. 38<sup>TH</sup> STREET AND MARTELL ROAD.**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

June 7, 2006

Members present: Strand, Taylor, Larson, Carroll, Esseks, Cornelius, Krieser, Sunderman and Carlson.

Staff recommendation: Denial.

Ex Parte Communications: None.

Staff presentation: Mike DeKalb of Planning staff explained that this proposal is a change of zone and preliminary plat on 32 acres to create 7 lots. This is an unusual application. The change of zone includes the railroad right-of-way. There is County road right-of-way on the east and south. The north half of the property is in Roca's jurisdiction; the south half is in Lancaster County's jurisdiction. The railroad bisects the parcel. Both of the railroad rights-of-way are vacated, but it is on record that one of them could be reopened for coal use.

The basis for the recommendation of denial is that the property is shown as AG in the Lincoln-Lancaster County Comprehensive Plan and that part in Roca's jurisdiction is shown as AG in Roca's Comprehensive Plan. At the time of writing the staff report, the Roca Planning Commission had recommended approval. There is no recommendation yet from the Roca Village Board.

Larson sought clarification about the railroad right-of-way. DeKalb explained that the one east/west is abandoned Missouri Pacific. They are trying to keep it as public record that that railroad could be reopened for coal service to power stations. The other is a former Union Pacific railroad.

Esseks inquired as to what jurisdiction would service this development if Roca approves it. DeKalb indicated that it would be serviced by Lancaster County. Esseks noted then that the town of Roca would bear no fiscal responsibility. DeKalb concurred, except for their county property taxes.

Carlson inquired whether the Village Board has this scheduled. DeKalb was not aware.

Proponents

**1. Mike Eckert of Civil Design Group** made the presentation on behalf of the applicant and suggested that this is a unique application, but not unusual. The parcel is rather unique in that he does not recall one that is bisected by two different railways and an abandoned spur that links those two railroad lines, and abutted by the two streets. Thus, he believes it was a corner parcel at one point (short 40), and then complicated by the fact that it is split with Roca jurisdiction.

Eckert stated that the jurisdiction line is split about 50/50. The staff report mentions that it is not prime ag land, not native prairie and not in the floodplain, and this proposal preserves virtually all of the existing tree masses.

Eckert advised that the Roca Planning Commission heard this application on May 23, 2006, and they recommended unanimous approval, 8-0. The Roca Planning Commission discussed how this was unique and they felt like this was an area that would be applicable for acreage development. The Roca regulations have changed from 5-acre lot minimum to 3-acre lot minimum. Therefore, this application complies with those standards.

One of the biggest features Roca commented on positively was the ability for the now owner to clean up the property. Over time, this property has had a myriad of junk vehicles, trucks and trailer houses on the property. The Roca Planning Commission was glad to see the note on the site plan that the plat would prevent any junk cars from being stored on the property. They felt like this was their opportunity to gain some control of the existing property that they did not have under the AG zoning.

Eckert believes that ultimately, the question today is two-fold: 1) what is the highest and best use of this land, and Eckert suggested that the highest and best use is acreages from a control perspective for Roca and the county, as well as from an economic perspective; and 2) the final issue is the somewhat unique qualifier whereby the County policy has been to defer the decision to the community that is most impacted. If Roca annexed, they would have total jurisdiction of this site. It is somewhat of a remnant parcel that he believes is appropriate to tie in with the intentions of Roca. This application is scheduled on the Roca Village Board meeting on June 19<sup>th</sup>.

Given the Roca jurisdiction, Esseks asked Eckert how many lots could be developed north of the abandoned railroad, noting that there are two shown (10.4 acres). Eckert believes that with the design standards on lot depth ratios, etc., they could not feasibly get another lot in there.

As a guiding principle, Carroll wondered whether the applicant would be opposed to a deferral until the Roca Village Board has acted. Eckert stated that he would not disagree, if that is the preference of the Commission. However, since the Roca Planning Commission has voted in favor, he would prefer to move forward. Carroll stated that he is interested in knowing the decision of the Roca Village Board.

**2. Monte Froehlich of US Property** testified in support. He develops and manages commercial and residential property. He is the owner of this property and he views this proposal as an opportunity to clean up a property that has just collected antiques or junk type things over the last decade or two. He would like to come in with a nice development and clean up the area. He believes it will improve the value of the existing adjacent property as well as create an opportunity for some increased revenue for the Village of Roca and the County.

Esseks inquired whether there is any evidence that the County will pave either of these roads. Froehlich does not believe it is anticipated any time in the near future.

### Opposition

**1. Terry Lowe**, 3015 Martell Road, third 25-acre parcel, testified in opposition; however, he welcomes the attempt to clean up the property. He stated that he would like to be in support, and he would be in support if the proposal were for a single owner-occupied parcel. The Benes have 32 acres, he has 25 acres, the Mirandas have 20 acres, and the one next to that is 20 acres. They have very strict covenants, including underground electric and telephone, to preserve the area as a single family large acreage family environment. This is troubled property. It does not sustain water. Lowe and the other property owners tapped into the rural water district. With regard to access to these seven lots, the first four or five would have rural water that would be brought across the road; there is no road access to the back half. They

would come off 38<sup>th</sup> and build a road over the trail and water would have to be brought in from the back side. Unless they are going to get an easement, they will have to build a road across the back lot to get to the two lots. The staff report also outlines the tree stand that could be problematic and may have to be taken out to bring in the electrical.

Lowe would have loved to have seen this be a single family home. This proposal appears to be land speculation. They are busting it up to regain the value. These are 3-acre lots. With the lay of the land, those two lots in the front are going to have to have lagoons pretty close to the road. He also pointed out that the floodplain crosses and touches 38<sup>th</sup> and Martell Road. They are constantly having to bring gravel out because it goes out of its banks. There are a lot of problems with this property. The railroad line has always been in reserve. These houses would be 150 feet away from railroad tracks.

Lowe then explained that the covenants on his property limit animals to no more than three horses and also limit the amount of livestock to 4-H types of things, and no swine. What will the covenants be on this property? How big are the houses going to be?

Carroll asked whether Lowe attended the Roca Planning Commission meeting and Lower stated that he did not.

#### Response by the Applicant

Eckert clarified that the developer did send out a mailing to all adjacent neighbors prior to making this application, informing them of the intentions with this parcel. They did not receive any responses or calls.

With regard to water, they do have everything in place with the rural water district to provide water to the seven lots. There is an easement for the water line to service the two lots on the north side of the railroad track.

With regard to access to the lots, the developer has been proactive in addressing that issue with the Lower Platte South NRD (an e-mail from Dan Schulz is contained in the staff report indicating that the subcommittee decided to defer approval of the access until the development is approved by the governing bodies). Today, there is a license agreement with the NRD to get to that lot. The easement will be an extension of that, and restricted for two residential lots. The ability to get water and access to those two lots by the future owners has been addressed, and they will be back in front of the NRD after the development has been approved.

Eckert reiterated that these are all going to be single family homes. Yes, the size is smaller. As far as the lagoons, the developer will be required to comply with all state and county Health

Department standards requiring minimum of 3-acres. They will provide multiple places for septic systems as well as lagoons. If they end up with lagoons, there should be no problem since the other property owners have lagoons.

Eckert also pointed out that, as mapped today, floodplain does not touch this property. The low lying area in the corner is shown as an undevelopable outlot so there will not be a residence on that property. The abandoned railroad right-of-way would then serve as a dam for the lot to the west. Staff obviously did not bring up that issue because the mapped floodplain does not exist on that land.

There will be covenants on the outbuildings. The owner is now going through interviews with home builders and his intention is to have one single home builder do the construction, but he has not yet established the covenants.

Strand moved to defer, with continued public hearing and action on June 21, 2006, seconded by Carroll.

Esseks indicated that he would not be in attendance on June 21<sup>st</sup>, and stated that he is not happy with the idea that Roca can impose upon Lancaster County this many lots and not service them, particularly since we are dealing with gravel roads. Hickman Fire and Rescue will have to service these residences without advance life support. He is happy to see clustering, but he does not like the idea of a small community like Roca telling the County it has to service this many new lots.

Motion to defer, with continued public hearing and action on June 21, 2006, carried 9-0: Strand, Taylor, Larson, Carroll, Esseks, Cornelius, Krieser, Sunderman and Carlson voting 'yes'.

**CHANGE OF ZONE NO. 06033**  
**FROM AG AGRICULTURAL TO R-3 RESIDENTIAL**  
**and**  
**PRELIMINARY PLAT NO. 06004,**  
**WILDERNESS HILLS 1<sup>ST</sup> ADDITION,**  
**ON PROPERTY GENERALLY LOCATED**  
**AT SOUTH 27<sup>TH</sup> STREET AND ROKEBY ROAD.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

June 7, 2006

Members present: Strand, Taylor, Larson, Carroll, Esseks, Cornelius, Krieser, Sunderman and Carlson.

Staff recommendation: Approval of the change of zone and conditional approval of the preliminary plat.

Ex Parte Communications: None.

Staff presentation: **Joe Rexwinkle** of Planning staff made the presentation of this change of zone and preliminary plat. The change of zone is for the southwest portion of the area of the preliminary plat. The plat itself consists of about 428 acres. The change of zone is from AG to R-3, and the remainder of the plat would be annexed into the city and rezoned at a later date.

The staff is supporting the requested waivers, except the depth-to-width ratio for Lots 35-36, Block 44, Lot 2, Block 47 and Lots 13-18 and 42-43, Block 49. The staff believes that those lots can be redrawn relatively easily to meet the requirements of the subdivision ordinance. He believes that the applicant will be withdrawing these waiver requests.

Rexwinkle stated that both the change of zone and preliminary plat conform with the goals and objectives of the Comprehensive Plan.

Proponents

**1. Brandon Garrett of EDC**, appeared on behalf of the applicant, **Lincoln Federal Bancorp**. This plat is a 428-acre site with roughly over 1800 residential units proposed. The land will remain zoned AG, except for the 64-acre portion which will be in the first phase which will change to R-3. Included with this development is an 80-acre conservation easement for flood control, green space and preservation of the wetlands. The site includes a mixture of housing types, a well-connected street network, a system of bike trails, a public school and a public park.

Garrett withdrew the waiver requests to which the staff has recommended denial, and agreed with the conditions of approval. The withdrawal of the waivers to which staff recommended denial negates the need for Condition #2.1 because the applicant will comply with Condition #1.11.

Carlson inquired about the school site. Garrett explained that LPS has indicated that they would like it to be an elementary school. Carlson then inquired about the traffic motions and drop-off and pick-up locations. Garrett suggested that it will be a decision of LPS, but there is a boulevard system with Wilderness Hills Boulevard, which continues through to South 40<sup>th</sup> and all the way to South 27<sup>th</sup>. The drop-off point would be along the east side of the school site, which he believes LPS has indicated would provide good circulation. There are pedestrian easements on the west side of the school site. There is an access point through the block "at this point to this street" for pedestrian access (pointing to the map). Carlson is hopeful that this will be taken into consideration as this phases forward.

There was no testimony in opposition.

Staff questions

Rexwinkle clarified that the staff did meet with LPS about the school site and circulation. LPS has indicated that they would likely design it to have a drop-off site coming in off the boulevard, and that is one of the reasons the staff has requested the mid-block access point be eliminated so that there is no interference. Staff has also requested that White Pine Drive and Forest Avenue connect straight through to provide better vehicular circulation and more direct pedestrian route. We would rather the children use the sidewalk along the street and cross.

There was no further testimony by the applicant.

**CHANGE OF ZONE NO. 06033**

**ACTION BY PLANNING COMMISSION:**

June 7, 2006

Carroll moved approval, seconded by Sunderman and carried 9-0: Strand, Taylor, Larson, Carroll, Esseks, Cornelius, Krieser, Sunderman and Carlson voting 'yes'. This is a recommendation to the City Council.

**PRELIMINARY PLAT NO. 06004**

**ACTION BY PLANNING COMMISSION:**

June 7, 2006

Carroll moved to approve the staff recommendation of conditional approval, seconded by Sunderman and carried 9-0: Strand, Taylor, Larson, Carroll, Esseks, Cornelius, Krieser, Sunderman and Carlson voting 'yes'. The withdrawal of the stated waiver requests deletes Condition #2.1. This is final action, unless appealed to the City Council within 14 days.

\*\*\* Break \*\*\*

**CHANGE OF ZONE NO. 06038**

**FROM B-2 PLANNED NEIGHBORHOOD BUSINESS**

**TO R-5 RESIDENTIAL**

**and**

**SPECIAL PERMIT NO. 06034,**

**KING RIDGE TOWNHOMES COMMUNITY UNIT PLAN,**

**ON PROPERTY GENERALLY LOCATED**

**AT N. 27<sup>TH</sup> STREET AND FOLKWAYS BOULEVARD.**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

June 7, 2006

Members present: Strand, Taylor, Larson, Carroll, Esseks, Cornelius, Krieser, Sunderman and Carlson.

Staff recommendation: Approval of the change of zone and conditional approval of the community unit plan.

Ex Parte Communications: None.

Staff presentation: **Greg Czaplewski of Planning staff** presented this proposal for change of zone and a community unit plan for about 54 dwelling units, located on Folkways Boulevard.

North Star High School is located to the north; there is an apartment complex across Folkways to the south; and the property to the east is all industrial zoned land.

The proposed community unit plan is arranged in two-unit duplexes, with private road system. The applicant is requesting waivers to the internal yard setback requirements and waivers of the minimum lot area and lot depth requirements, which are fairly standard with this type of community unit plan. There are setbacks around the perimeter of the project that provide 20' of open space. The individual units are each located on their own lot and the setback waivers would apply to those lots. With the perimeter setbacks there is still the appearance of a standard yard. The side yard setbacks appear to meet the zoning requirements. Building & Safety would also have side yard spacing requirements for life safety issues; therefore the side yard waiver requests are acceptable to staff. Public Works is in agreement with the request to waive the stormwater detention requirements. This property is currently part of the King Ridge use permit which extends west and north along North 27<sup>th</sup> Street. This community unit plan would take this piece of the property out of that use permit. The stormwater detention waiver was approved with the previously approved use permit.

The staff is opposed to the request to waive the sidewalk on east side of King Ridge Place and Czaplewski believes that the developer will be withdrawing that waiver request.

Strand noted that the land to the east is zoned I-3 and she inquired as to the uses which are allowed in the I-3 zoning. Czaplewski advised that I-3 is the employment center district, so there will not be typical industrial uses such as those found in I-1 but rather larger employers. It is anticipated that the use will be mostly large offices.

Esseks inquired whether the I-3 would have fairly large setbacks to provide some buffering. Czaplewski advised that the I-3 setbacks would be 50'.

Strand confirmed that the B-5 property across the street is the approved movie theater site. Czaplewski concurred.

Strand also noted that the Planning Commission and City Council previously voted to allow an access road onto N. 27<sup>th</sup> at the intersection of 27<sup>th</sup> and Folkways. She wondered when that access would be constructed. Czaplewski did not know.

Carlson asked staff to address the recreation area condition. Czaplewski explained that the Parks Department had asked that the recreation plan be more substantial and specifically requested a half basketball court and a play structure with shaded seating area, and the applicant has agreed.

Proponents

**1. DaNay Kalkowski** appeared on behalf of **Summit Homes**. This property was part of the King Ridge original use permit for commercial development, but Summit Homes found this piece of property and recognized that it has potential to be a nice residential piece to provide a transition between North Star High School and the apartments to the south of Folkways. Kalkowski withdrew the request to waive the sidewalk and the applicant will show the sidewalk on both sides of the road coming in off Folkways. The applicant also agrees to add the additional recreation facilities requested by the Parks Department.

With respect to the waiver of detention, Kalkowski explained that back when the King Ridge use permit was originally done, they were close to being able to let the stormwater just flow right into the creek because of the proximity in this area, so that waiver was granted back then. This project would fall under the same requirements as the original King Ridge use permit.

Kalkowski agreed with all staff conditions of approval.

There was no testimony in opposition.

**CHANGE OF ZONE NO. 06038**

**ACTION BY PLANNING COMMISSION:**

June 7, 2006

Carroll moved approval, seconded by Strand and carried 9-0: Strand, Taylor, Larson, Carroll, Esseks, Cornelius, Krieser, Sunderman and Carlson voting 'yes'. This is a recommendation to the City Council.

**SPECIAL PERMIT NO. 06034**

**ACTION BY PLANNING COMMISSION:**

June 7, 2006

Carroll moved to approve the staff recommendation of conditional approval, seconded by Larson and carried 9-0: Strand, Taylor, Larson, Carroll, Esseks, Cornelius, Krieser, Sunderman and Carlson voting 'yes'. The withdrawal of the sidewalk waiver request deletes Condition #3. This is final action, unless appealed to the City Council within 14 days.

**MISCELLANEOUS NO. 06009,**  
**TO REVIEW THE PROPOSED DETERMINATION**  
**THAT THE SOUTH STREET REDEVELOPMENT AREA IS**  
**BLIGHTED AND SUBSTANDARD.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

June 7, 2006

Members present: Strand, Taylor, Larson, Esseks, Cornelius, Krieser, Sunderman and Carlson; Carroll declared a conflict of interest.

Ex Parte Communications: None.

Staff recommendation: A finding that there is a reasonable presence of substandard and blighted conditions in the Redevelopment Area.

Staff presentation: **Joe Rexwinkle of Planning staff** explained that this is a request for a finding that this determination for blighted and substandard conditions of the South Street Redevelopment Area is in conformance with the Comprehensive Plan. The study area is along South Street, generally between 6<sup>th</sup> and 17<sup>th</sup> Streets. Staff finds the proposed declaration of blighted and substandard to be in conformance with the Comprehensive Plan and is in agreement with the determination of the study that there is a presence of blighted and substandard conditions in this area.

This is the standard procedure. The blight study and blight determination must be approved prior to any approval of a redevelopment plan that might come in the future for this area.

Proponents

**1. Wynn Hjermsstad, Community Development Manager from the Urban Development Department,** gave a history of this proposal. Urban Development has been interested in doing some improvements along this portion of South Street for a long time and several of the neighborhood associations have wanted our help. About a year ago, Urban Development started working on a streetscape project between 9<sup>th</sup> and 17<sup>th</sup> along South Street, in conjunction with Public Works, coordinating some resurfacing in the area and also a water project. During the public input phase of streetscape project, Urban Development heard questions which were outside the scope of the streetscape project, i.e. additional parking, design standards, additional development, etc. After getting Mayor approval, Urban Development began working with a new group in the area called the South Street Business and Civic Organization. It was actually this new organization that paid for and commissioned the blight study. Urban Development's role has been to help manage and facilitate the process.

This organization is doing a fabulous job. There are some hard, tough issues and conflicts. To this organization's credit, the business owners have realized that in order to have a good business district, they need to have a good neighborhood, and the neighborhood understands that to have a strong viable neighborhood, they need a strong viable business district. The two have come together.

The blight study meets the requirements to be declared blighted and substandard as set forth in the state statutes.

The next step will be to do a redevelopment plan, which would come back to the Planning Commission in the future.

Esseks inquired as to the implications for the homes and businesses if the area is declared blighted. Hjermstad suggested that the blight declaration is a good thing. It allows Urban Development to do a redevelopment plan. Once the redevelopment plan is approved, we can start doing projects that generate TIF that can be used to help complete projects, whether it be commercial redevelopment, public improvements, streetscape projects, sidewalks, etc. It is a positive thing because it generates a funding source to help with those projects.

Strand noted that 26.3% of the property is indicated to be single family residential use in this area. She also noted that Saratoga School has a high mobility rate and is underpopulated. What does declaring this blight do to make a healthier single family neighborhood to help out the school? What benefits are there to a homeowner or landlord to rehabilitate? Hjermstad suggested that it results in a good domino effect. When we start doing improvements with the public and private sector, it just starts to spread. As values increase, as confidence in the area increases, people start to take a look at their homes. This area already qualifies for a number of Urban Development programs for housing improvements. There is also a rehabilitation loan program available through Urban Development.

**2. Alene Swinehart, Co-Chair of the South Street Business & Civic Organization,** testified in support. They have been wanting this project to start happening for as long as she has been involved in the Irvingdale Neighborhood Association. This is a unique situation with both businesses and neighborhoods represented and active in running the organization. There are four neighborhoods: Irvingdale, South Salt Creek, Everett and Near South. At this point, three of them are very active in this process. There is a lot of enthusiasm about the future of this area and its benefits to the community as a whole. She read the purposes of the organization into the record, including: to promote a diversity of quality commercial development; to assist in the growth and development of the South Street area making it more convenient, safe, and attractive, and a better place in which to live, work, shop and visit; to promote development of commercial, civic and other improvements; encourage cooperation among businesses, merchants, shoppers, the City, the County, LPS, religious organizations, neighborhood residents and others; to improve and create additional off-street parking

facilities within the South Street business area; and to plan and conduct promotions for the benefit and development of businesses, neighborhoods and other entities in the South Street area in the public interest.

The next step is this blight study.

On behalf of **Irvingdale Neighborhood Association**, Swinehart testified that the association is completely supportive of this process.

**3. Anna Cox, Branch Manager for Bank of the West**, located at 16<sup>th</sup> and South Street, and Treasurer of the South Street Business & Civic Organization, testified in support. She believes this is a great first step to the improvement and revitalization of the community. There was no testimony in opposition.

**ACTION BY PLANNING COMMISSION:**

June 7, 2006

Larson moved to approve staff recommendation, seconded by Sunderman.

Larson believes that the Urban Development Department has been outstanding in our city. We've seen it Downtown, on North 27<sup>th</sup>, and on North 48<sup>th</sup>. It is really a program of beautification and renewal of our inner city.

Strand noted that we find incentives to give commercial uses some breaks, and she would love to find a way to give the homeowners some breaks to be able to have their houses, regardless of income levels, and to encourage families to move back into these areas.

Carlson concurred. This is also a first step in trying to create quality retail services in the area.

Motion approving the staff recommendation, which finds that there is a reasonable presence of substandard and blighted conditions in the South Street Redevelopment Area, carried 8-0: Strand, Taylor, Larson, Esseks, Cornelius, Krieser, Sunderman and Carlson voting 'yes'; Carroll declaring a conflict of interest. This is a recommendation to the City Council.

There being no further business, the meeting was adjourned at 3:15 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on June 21, 2006.



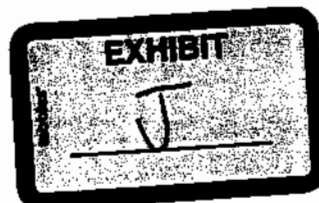
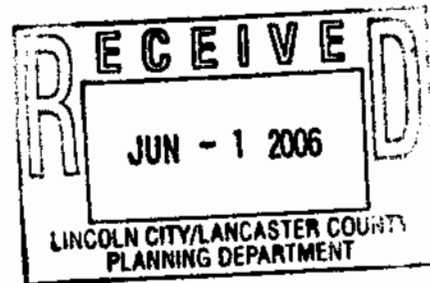
"Kathryn Gabig"  
<kgabig1@unl.edu>  
06/01/2006 10:50 AM

To <plan@lincoln.ne.gov>  
cc  
bcc  
Subject sewage treatment

Please postpone the vote on the sewage treatment plant proposed at Southwest Wastewater Treatment Facility which would drain into Salt Creek by Wilderness Park. A lot more has to be determined about this plan.

Thank you.

Kathryn Gabig  
Alumni Relations Assistant  
UNL College of Law  
(402) 472-6794





"timkjohnson1947@juno.com"  
<timkjohnson1947@juno.com>

06/01/2006 03:15 PM

To plan@lincoln.ne.gov, council@lincoln.ne.gov,  
mayor@lincoln.ne.gov  
cc  
bcc  
Subject sewage plant

Dear All,

In the meeting that I attended on this topic it was obvious that a complete cost benefit analysis including an environmental impact analysis on each choice. Postponing a decision on acquiring land would be necessary. In research on this issue in other states it appears that often a larger site is more cost efficient over a long period than multiple sites, including pumping stations.

I. The cost benefit analysis should include

- an itemized estimate of the expansion, operation, and maintenance costs of expanded Northeast,(North 70th Street) and/or Theresa Street Facilities over a long-term 30-50 year period into the future versus the cost of building and operating an additional new facility. (Some cities are finding it cheaper to monitor and operate fewer larger sites, even including the cost of extra piping, than to maintain a greater number of smaller sites.

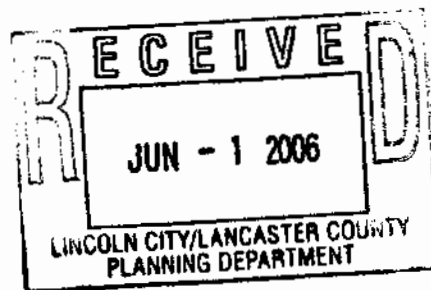
- A thorough examination of different pipe routing options with an itemization of costs for different routes

- acceleration of the program for repairing leaking sewer pipes and a building code requiring that sump pumps drain be piped outside a building.

III Sewage discharge should flow to the northeast of Lincoln where there is much higher creek flow, thereby avoiding draining sewage through Wilderness Park and downtown Lincoln. There is always a danger of emergency discharge of raw sewage into the creek. Nationwide, many chemicals are being found in sewage discharge.

Thank you for considering this approach as it seems wise as far as costs and environmental impact.

Tim K. Johnson





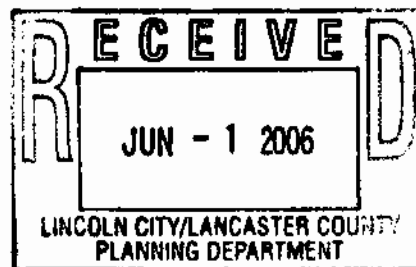
Rosemary Thornton  
<rthorn@alltel.net>  
06/01/2006 03:40 PM

To plan@lincoln.ne.gov  
cc  
bcc  
Subject new sewage treatment plant

Dear Planning Commission:

I am concerned about the proposal to build a sewage treatment plant that would send discharge into Salt Creek near Wilderness Park. Please insist on a cost/benefit analysis for a new plant versus expanding existing plants. It would seem that Wilderness Park would no longer be much of a preserve for wildlife if the water in the creek was degraded with harmful chemicals. Thank you for your consideration.

Rosemary Thornton  
3405 M Street  
Lincoln NE 68510  
402-477-7597  
[rthorn@alltel.net](mailto:rthorn@alltel.net)





"Jeanne Kern"  
<Jeanne@RichKern.com>

06/01/2006 03:11 PM

Please respond to  
<Jeanne@RichKern.com>

To "Jeanne Kern" <Jeanne@RichKern.com>

cc

bcc

Subject proposed sewage plant

The City should postpone taking any steps toward acquisition of land for an additional third sewage treatment plant until after a comprehensive cost benefit analysis has been done, including the environmental effects of different options.

I. The cost benefit analysis should include:

- an itemized estimate of the expansion, operation, and maintenance costs of expanded Northeast (North 70th Street) and/or Theresa Street facilities over a long-term, 30 to 50-year period into the future versus the cost of building and operating an additional new facility. (Some cities are finding it more economical to monitor and operate fewer, larger sites, even including the cost of extra piping, than to maintain a greater number of smaller sites.

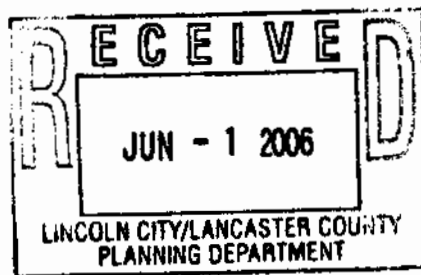
- a thorough examination of different pipe routing options with an itemization of costs for different routes.

- acceleration of the program for repairing leaking sewer pipes and a building code requiring that sump pump drains be piped outside a building.

Sewage discharge should flow to the northeast of Lincoln where there is much higher creek flow, thereby avoiding draining sewage through Wilderness Park and downtown Lincoln. There is always a danger of emergency discharge of raw sewage into the creek. Nationwide, many chemicals are being found in sewage discharge.

Thank you for careful consideration on this issue.

Jeanne Kern  
2600 Cheshire North Court  
Lincoln





Open Harvest Outreach  
<outreach@openharvest.com>

06/02/2006 12:40 PM

Please respond to  
outreach@openharvest.com

To plan@lincoln.ne.gov, council@lincoln.ne.gov,  
mayor@lincoln.ne.gov

cc

bcc

Subject Sewage Treatment Facility

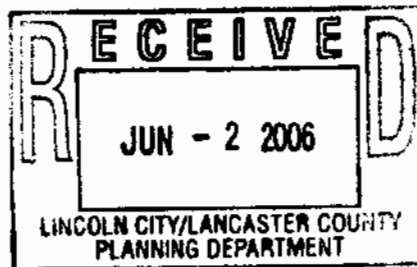
Dear Administrators of our City of Lincoln,

I am concerned at the rush to purchase land to build a sewage treatment plant near Wilderness Park even though a cost analysis has not been conducted. This park should be regarded as a jewel of our city and be maintained as such. Water quality and aquatic life is remarkably good and should not be compromised.

Please be fiscally responsible and explore cost benefit options including expansion of the current Northeast Sewage treatment facility. Major cities have closed small treatment facilities and expanded a centralized treatment facility as this is more cost effective and environmentally sound.

Sincerely,

Jackie Barnhardt  
1010 Sumner Street  
Lincoln, NE 68502

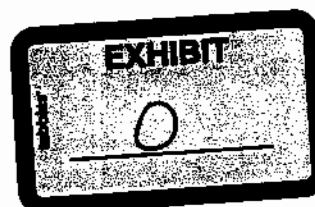
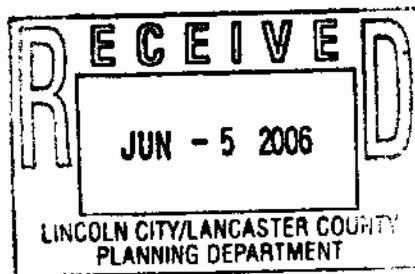




"Neil"  
<nme84810@neb.rr.com>  
06/04/2006 03:29 PM

To <plan@lincoln.ne.gov>, <council@lincoln.ne.gov>,  
<mayor@lincoln.ne.gov>  
cc  
bcc  
Subject sewage treatment plant

As a concerned resident of Lincoln, and a lover af nature, I wish to ask you to not allow a waste treatment site to be built near Wilderness Park. I realize that Lincoln is growing and expanding, especially in a southerly direction, but to build there would and could do much more harm than good. Eventually Lincoln will probably encompass the whole of Wilderness Park within its city limits, and it will be a wonderful place to take our children to enjoy nature close at hand. Now, imagine you are out there walking with your child and 1, the odor like the Theresa St. plant emanates, drifts up to greet you on your walk. 2, a raw sewage discharge has happened, your child slips while near the creek and is suddenly in the contaminated water, possibly even swallowing some as he or she slipped in. 3, along with this discharge, the damage to fish and other wildlife living there would be terrible and then before it could flow away from the city, it would have to pass THROUGH the city, creating even more health risks. I know that there are other options available in combating the rising waste treatment problems of Lincoln. True, no one likes to think of the streets torn up, Lord knows we seem to have more than enough of that as it is, but with the advances in technology I'm sure that better and safer lines could be installed to a site far more suited to serve Lincoln without putting Wilderness Park at risk. **Please**, reconsider all of your options and do NOT vote to build there. Thank you, a very concerned voter. Neil M Engstrom





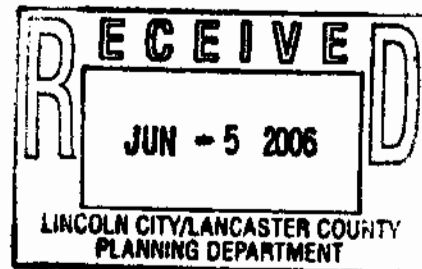
"Amber Mohr"  
<mohramber@hotmail.com>  
06/05/2006 08:27 AM

To plan@lincoln.ne.gov  
cc  
bcc  
Subject Sewage Plant

Dear Members of the Planning Commission:

It makes me ill to think that a one of the most natural and beautiful public parks in our area would see drainage from a sewage treatment plant. I hope you will postpone taking any steps toward acquisition of land for an additional third sewage treatment plant until after a comprehensive cost benefit analysis has been done, including the environmental effects of different options. Water quality and aquatic life is good in Wilderness Park at the present time, and much wildlife there depends on a healthy Salt Creek. A sewage plant would surely destroy much of that life.

Thank you for your consideration,  
Amber Mohr  
Lincoln, NE 68510





Angela Olson  
<angelaruth49@yahoo.com>  
06/04/2006 07:11 PM

To plan@lincoln.ne.gov  
cc  
bcc  
Subject Why Not Expand The Existing Sewage Plant?

Dear Planning Commission,

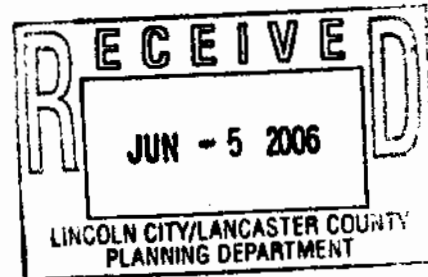
I don't see why the city of Lincoln can't expand the existing sewage plan instead of the cost and potential pollution of Wilderness park.

Have a nice day,  
Angela Olson

---

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"Lynn E. Moorer"  
<lmoorer@alltel.net>  
06/05/2006 12:02 PM

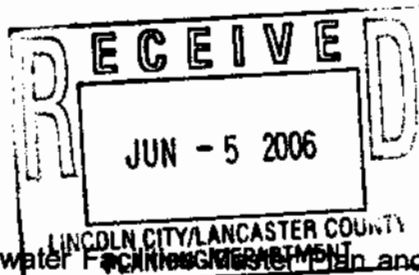
To <plan@lincoln.ne.gov>

cc

bcc

Subject Follow-up re: Southwest Wastewater Treatment Facility in  
CIP

Lincoln City / Lancaster County Planning Commission  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508



Re: Follow-up information regarding 2003 Wastewater Facilities Master Plan and staff assertions regarding the Plan and a proposed new southwest wastewater facility as a part of the Capital Improvements Program for FY 2006/2007 – 2011/2012

Dear Members of the Board:

At the May 24, 2006 Planning Commission meeting, City staff members made several assertions regarding information and conclusions in the 2003 Wastewater Facilities Master Plan. These assertions were made in support of the staff recommendation that steps be taken now to acquire property for a new southwest wastewater treatment facility.

You need to be aware that the 2003 Facilities Plan does not support several of the characterizations made by City staffers. As you may recall, Steve Henrichsen of the Planning Department asserted at the May 24<sup>th</sup> meeting,

[T]he Wastewater Facilities Plan states [a third treatment plant] is not needed for Tier I. It goes further on to say for Tier II for growth in the long term, you will need a third plant because you will not have the capacity to convey the waste to the Theresa Street plant. . . . [I]n the 2003 Wastewater Facilities Plan, that was looked at. Do you need to have a need for another facility or not? And it was determined yes, for Tier II, for your long-term growth, you are gonna need that facility. The options were looked at. They were considered and that was definitely noted in terms of a need. You need to find that site now.

Thus, Mr. Henrichsen asserted at the May 24<sup>th</sup> meeting that:

1. The Facilities Plan states that it has been determined that a third wastewater facility is definitely needed for long-term growth;
2. The Facilities Plan states that a third plant is needed because Lincoln does not have the capacity to convey waste to the Theresa Street plant; and
3. The Facilities Plan states that you need to find that site now.

In fact, the Facilities Plan states the following regarding development of a third wastewater treatment facility:

**Tier II Recommendations.** The current six-phase improvement for the SVT [Salt Valley Trunk] Relief Sewer needs to be completed, but the sizes of the Relief Sewer need to be discussed in relation to the decision to build another treatment plant. At the upstream end of the basin, a 48-inch line will be needed to extend from the end of the existing



48-inch line to the south for approximately 4,650 LF [linear feet]. A 36-inch line will also need to be extended to the east for 4,850 LF.

Toward the downstream area of the basin is where the design options present themselves. There are four that are listed on the "Lincoln Future Sanitary System – Tier II Condition," of which, the last two are recommended (#3 & #4). **At the point of treating 41,000+ acres of development, a new treatment plant is strongly encouraged.** The placement of this plant is the question at hand. The City of Lincoln has expressed their desire to place any future plant near the intersection of 1<sup>st</sup> and Old Cheney (option #4, which is shown on the Tier II figure). This would allow the flow of 26,349 acres of development pass on into the SVT (which would require additional upsizing – see discussion in Tier I). Option #3 places the proposed Southwest Plant near the intersection of 1<sup>st</sup> and Van Dorn. This adds flexibility to the system since it would be able to pick up any amount of flows from the Beals Slough Trunk and avoid the need to upsize any of the SVT lines downstream. The costs associated with a potential new Southwest WWTF are not included in the "Summary of Recommendations."

Second, approximately 8,539 acres are expected to develop in the West Salt Creek Basin. Using an assumed slope of 0.0019, a 36- to 48-inch line will be required to accommodate development in this area. About 5 miles of 60-inch line is shown on the map running to a new Southwest WWTF site. Cost information associated with building the Southwest WWTF has not been developed.

(Emphasis supplied.) Lincoln Wastewater Facilities Plan Update, April 2003, Ch. 8, pp. 6-7.

The Facilities Plan does **not** actually contain statements that support Mr. Henrichsen's assertions. Rather than stating that it has been determined that a third wastewater facility is definitely needed for long-term growth, the Facilities Plan merely states that a new treatment plant is strongly encouraged. Thus, the Facilities Plan does not indicate that a definitive decision has been made that a third treatment facility should be built.

Furthermore, the Facilities Plan does not state that a third plant is needed because Lincoln does not have the capacity to convey waste to the Theresa Street plant, as Mr. Henrichsen asserted. As you can see from reviewing the Facilities Plan, it does not discuss the feasibility of conveyance of waste – to the Theresa Street plant or any other location, for that matter – rather than building a new treatment plant.

In addition, the Facilities Plan says nothing about a need to find a site for a new treatment plant now. Indeed, the Facilities Plan does not address timing for acquiring land that might be held in consideration for management strategies carried out 50 years in the future.

If you rely upon information provided to you by City staffers in your decision-making, the information should be accurate, complete, and without misrepresentation. It is important that the "facts" provided to you to support the recommendations put forward by City staffers not be shaded or distorted in aid of the recommended policy.

It should be noted that at the open-house meetings held earlier this year, City staff members and their contractors made no reference whatsoever to the Facilities Plan as the justification for building a third wastewater treatment plant. Rather, they claimed that a third facility was

needed because there was no room to expand the Theresa Street facility. Recently, the justification put forward by City staffers to argue for a new facility has changed. They now say that there is, in fact, room to expand the Theresa Street facility but that the conveyance of the waste to that location would be too costly. In any event, neither of their contrasting arguments for a third treatment plant is contained in the Facilities Plan.

City staff members have not produced any analyses that support their current argument regarding conveyance costs or which demonstrate that the feasibility of several wastewater management options has been carefully considered. Until a benefit-cost analysis, which includes an environmental evaluation, of a reasonable variety of wastewater management strategies is conducted and undergoes public review, it is premature to take steps toward acquiring land for a new sewage treatment plant. At a minimum, staff members have not provided adequate analytical information to support their assertions regarding the high cost of waste conveyance that, in turn, justifies the need for a third sewage plant.

Furthermore, because, as the Facilities Plan states, information regarding the costs associated with a new treatment plant has not yet been developed, there is no information against which one can compare costs of waste conveyance to the existing facilities versus construction of a third facility. From the perspective of good governance, it is imprudent to rely upon statements by staff members such as these which do not square with the Facilities Plan and which are unsupported by documentation that demonstrates adequate analysis.

It should also be noted that the Facilities Plan states that the sizes of the Relief Sewer, which is a part of the current six-phase improvement plant, need to be discussed in relation to the decision to build another treatment plant. Therefore, it appears that decisions made regarding the Relief Sewer might lead to a conclusion that a third treatment facility is necessary.

I urge you to decline to take any steps now that could lead to the development of a third wastewater treatment plant. The best course of action at this time is to request that a benefit-cost analysis, including an environmental evaluation, be conducted regarding a variety of wastewater management strategies, as suggested in my May 24, 2006 letter to you, before taking any steps that can lead to development of a new treatment plant.

Therefore, I recommend that you remove Project 15 (regarding land acquisition for a new treatment plant) of the Wastewater portion of the Capital Improvements Program for FY 2006/2007 through 2011/2012. I also recommend that you do not approve appropriation of any funds for land acquisition until an adequate benefit-cost analysis and environmental evaluation regarding several management strategies is published and reviewed.

Thank you for your thoughtful consideration of this matter.

Sincerely,  
Lynn E. Moorer  
Attorney at Law  
404 S. 27<sup>th</sup> Street  
Lincoln, NE 68510  
Phone 402-474-2186  
Fax 402-474-1911



Jean L Walker/Notes  
06/06/2006 08:57 AM

To Jean L Walker/Notes,  
cc  
bcc  
Subject

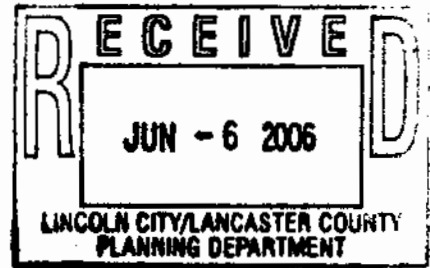
Letter to Planning Commission

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FROM;  
Mary Roseberry-Brown  
President, Friends of Wilderness Park  
1423 "F" Street  
Lincoln, NE 68508  
June 5, 2006

TO:  
Planning Commission Members  
555 South 10th Street  
Lincoln, NE 68508

RE: Followup information regarding Lincoln's  
Wastewater Management as related to the Capital  
Improvements Program for FY2006/2007-2011/2012



Dear Planning Commission Members:

In the interests of fiscally sound government, public health, and environmental protection, I urge the Planning Commission to recommend that a cost-benefit analysis regarding waste water strategies including environmental effects for each strategy, be done before any steps are taken toward a third treatment plant site acquisition.

I would like to give new information which provides a different perspective on statements made in the May 24th hearing on this matter.

1. Taking steps to acquire land should not be seen as holding it, "in case it is needed." To do so, would affect other current wastewater piping decisions in a direction that would one day require a third treatment facility to be built.

For example, the Wastewater Facilities Plan, which is part of the current Comprehensive Plan, recommends that a Salt Valley Trunk Relief Sewer be built for the Salt Creek Basin, but states that, "the sizes of the Relief Sewer need to be discussed in relation to the decision to build another treatment plant." Phases of the Relief Sewer are being built right now and will be for Tier I growth.

2. Contrary to previous information given to you, nowhere in the Wastewater Facilities Plan does it state that a third treatment plant will be needed for Tier II growth, nor does it mention any problem of conveyance to the Theresa Street Plant or Northeast



Plant. Rather, it states that a third treatment plant is  
" strongly encouraged."

3. The cost-benefit studies have not been done yet. The Wastewater Facilities Plan states, "Cost information associated with building the Southwest WWTF has not been developed."

There seems to be some inconsistency in information provided by the city. This inconsistency points even more to the need for a thorough cost-benefit study.

-----At an Open House on this issue, a city representative showed pictures of a Theresa Street Plant that was built to capacity and said that the reason a third plant was needed was because the Theresa Plant could not be expanded any more. No mention was made of a piping problem. However, after it was pointed out that the Theresa Street Plant was next to a trailer court, the reason now given as to why a plant is needed is that there is a conveyance problem of piping. A thorough study examining piping options, including along the Salt Creek right of way, would resolve the issue. Nowhere, do I find any evidence of such a study being done.

-----At an Open House, in response to questions about odor, it was stated by a city representative that there might be some odor in the spring when "the pipes are being flushed out." By contrast, in a letter which I received back from a city representative, it was stated that the statement about odor when the pipes were being flushed out was a false statement. The issue needs to be studied in relation to plant site and effect of odor on the public park, Wilderness Park, the South Salt Creek neighborhood, and the downtown area. The wind blows from the south in the summer.

Decisions made now will affect generations 50 years from now. Please vote to follow the original recommendation by Karl Fredrickson to the Planning Commission that the money budgeted for this project be for a study only. No steps should be taken toward purchase of land. The cost-benefit analysis should be done by a qualified independent organization separate from the the current site study committee. It should include:

-----an itemized estimate of the expansion, operation, monitoring, maintenance, and piping costs of expanded Northeast and/or Theresa Street Facilities over a long-term 30-50 year period in the future versus the cost of building, operation, piping, and maintenance costs of an additional new facility.

----- pipe routing options, including those along the Salt Creek right of way

-----environmental impacts of the different alternatives studied.

Thank you for your service to the community,

Mary Roseberry-Brown

All quotations from the Wastewater Facilities Plan are  
from chapter 8, pages 6-8

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Do You Yahoo!?

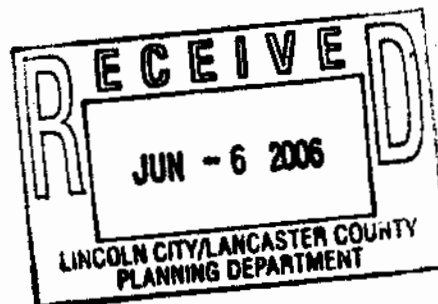
Tired of spam? Yahoo! Mail has the best spam protection around  
<http://mail.yahoo.com>



"Dan Lutz"  
<llmkbigdeal@earthlink.net>  
06/06/2006 10:32 AM

To <plan@lincoln.ne.gov>  
cc <council@lincoln.ne.gov>, <mayor@lincoln.ne.gov>  
bcc  
Subject Sewage plant considerations

My name is Dan Lutz, resident of northeast Lincoln, contacting you as members of the Planning Commission regarding your scheduled vote June 7 regarding the proposed Southwest Wastewater Treatment Facility. If my information is correct, a comprehensive cost benefit analysis has not been done regarding this proposed facility. It has been reported to me that the current city Wastewater Facilities Plan does not include cost information associated with building a Southwest Wastewater Facility, which would drain into Salt Creek. I strongly believe that an itemized estimate of long-term costs associated with expanded Northeast and/or Theresa Street facilities should be developed before any plans proceed to acquire land required for the proposed Southwest wastewater treatment facility. Obviously, if not already done, environmental effects of different options also need to be assessed. Thank you for your consideration of these factors as you make the difficult choices associated with this complex situation.





Metapattern@aol.com  
06/06/2006 12:04 PM

To plan@ci.lincoln.ne.us  
cc council@lincoln.ne.gov, mayor@lincoln.ne.gov  
bcc  
Subject Sewage Plant By Wilderness Park

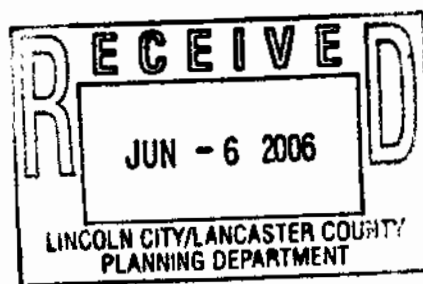
Dear Commissioners:

I don't remember anyone, during the Wilderness Park Subarea Plan process, indicating that it would be a good idea to build a sewage plant on a site that would drain into Salt Creek in the Wilderness Park area. This is a southeastern Nebraska treasure. What is the city thinking???? Why would the city, in the same year, put a proposal to buy new park land on the ballot while scheming to send treated sewage through a precious public forest? If this goes through, we should change the name of the city to "Backward, USA" because no truly forward thinking city would do this.

That anyone would propose this is outrageous enough, but I understand there has not been a thorough cost benefit analysis done to compare costs of expanding the current facilities versus building a new facility. There needs to be a thorough reporting of different pipe routing options and an itemization of their costs.

No acquisition of land should be authorized until the above has been done and made public. And, surely it would make more sense to keep the sewer plant discharge from moving through downtown Lincoln. No matter how safe the new plant might be, there is always the possibility of raw sewage making it into Salt Creek. How lovely that would be for the people and animals who depend on the Park and for the city of Lincoln as well.

Rebecca Williams  
16150 Wittstruck Rd  
Bennet, NE 68317





"D & S Krenk"  
<dkrenk@inebraska.com>  
06/06/2006 11:03 PM

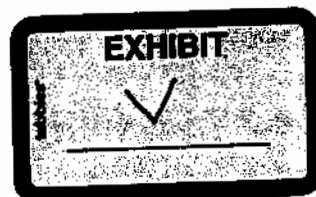
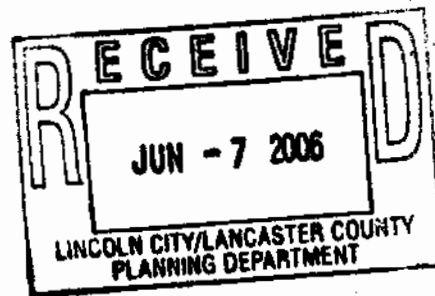
To <plan@lincoln.ne.gov>  
cc  
bcc

Subject Southwest Wastewater Treatment Facility

We would like to express our concern over the proposed land acquisition for a wastewater treatment facility near Wildemess Park by West Van Dorn. We feel that a more thorough cost benefit analysis should be done regarding this possible choice. In order to avoid draining sewage through Wildemess Park and Salt Creek, we just ask that the City of Lincoln look into various options through the cost benefit process before the council makes a definite decision on choosing this location.

Thank you for your concern.

Susan and Dave Krenk





Robert Pewthers  
<robertpewthers@mac.com>  
06/07/2006 11:54 AM

To plan@lincoln.ne.gov  
cc mroseberrybrown@yahoo.com  
bcc  
Subject Sewage treatment land purchase

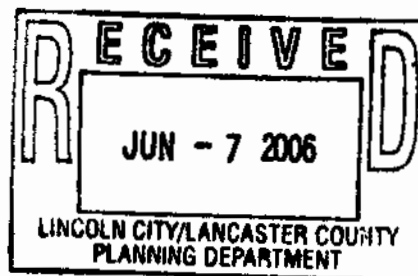
Dear Planning Commission Members,

I would like to ask you to vote against buying land for a third sewage treatment plant in Wilderness Park. This is the wrong road to take our community down, but it is not too late to choose a different path. As I understand the situation, pipes are already being laid that will not accommodate pumping raw sewage to the Theresa St. station or the northeast station. I believe that buying the land will set this poorly planned project in cement (so to speak).

Has your staff made any attempt to look at Eugene, OR, or Portland, OR, as examples of more efficient treatment systems?

Sewage treatment is a fact of life, however unappealing the topic is. I would encourage you to do your BEST to protect our community's environment for future generations. I believe that excreting our effluvium into a public park is a disgrace. Or, more plainly, do we want to be known as the city that puts its poop in the park?

Respectfully yours  
Carol Smith 4111 S. 33 St.  
Home owner





<jcoppie@alltel.net>  
06/07/2006 01:01 PM

To <plan@lincoln.ne.gov>  
cc  
bcc  
Subject further study needed

To the members of the Planning Commission:

please don't rush into buying land for a sewage treatment plant. A detailed cost-benefit analysis should be undertaken first, and further study of emerging trends in the industry, such as piping it to an enlarged Theresa St. site. It can be expanded.

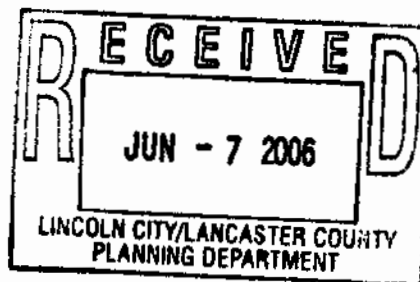
I don't believe it is like purchasing land for a future school or library. Once this land is purchased, I believe the wheels will be set in motion to move ahead with it, whether the most current industry best practices support this option or not. I base this on having attended one of the public information meetings.

I have talked to neighbors and users of the levee trail. All were horrified at the thought of a treatment plant anywhere near the proposed site.

Requiring that sump pumps not be connected to the sewer system and encouraging other water saving measures could take much pressure off the current system.

Thank you for considering these issues.

Respectfully Submitted, Janine Copple





David Wasson  
<davidcwasson@yahoo.com>

06/07/2006 12:50 PM

To plan@lincoln.ne.gov

cc

bcc

Subject Oppose Sewage Treatment Plant by Wilderness Park

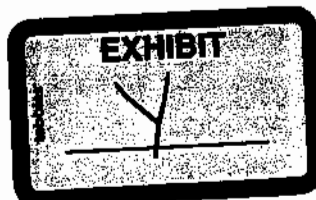
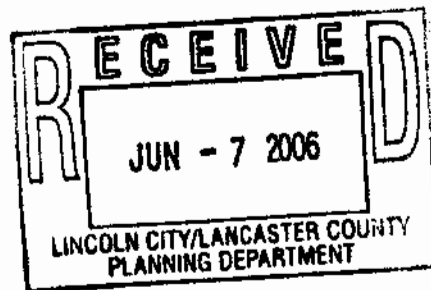
Members of the Planning Commission,

I just found out about your meeting in 10 minutes about 5 minutes ago, so I'm sorry about this late message.

I oppose the purchase of land for a possible southwest Lincoln sewage treatment plant. This decision should be delayed until a cost benefit analysis has been performed.

Thank you for your time.

David Wasson  
1100 Rosewood Dr  
Lincoln, NE 68510  
484-0496  
davidcwasson@yahoo.com



June 3, 2006  
735 South 37<sup>th</sup> Street  
Lincoln NE 68510

City-County Planning Commission  
555 South 10<sup>th</sup> Street  
Lincoln NE 68508

RE: Wastewater treatment planning


Gentlemen:

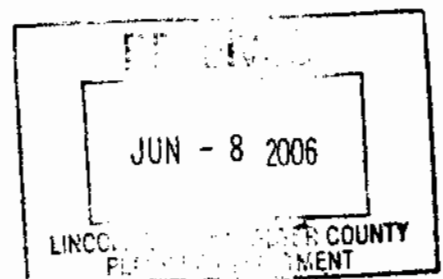
I applaud the fact that you are looking toward providing for future needs of the citizens of Lincoln in considering various possibilities for wastewater treatment. One of those possibilities is certainly a holding facility, as has been mentioned. Another, which merits careful thought, is enlarging present treatment stations and use of piping to convey material to those sites.

I ask that before any money is spent on an option on land for a "third site" that a careful analysis be made of the costs and benefits of the different choices before us. (Note that an option cannot later be sold to recover our costs.)

In any case, no site should be chosen which would flow into Wilderness Park!

Thank you for your consideration.

  
Robert Boyce  
735 South 37<sup>th</sup> Street  
Lincoln NE 68510





"Larry Zink"  
<zinklarry@gmail.com>  
06/07/2006 09:18 AM

To plan@lincoln.ne.gov  
cc  
bcc  
Subject Sidewalks and the CIP

Members of the Lincoln/Lancaster County Planning Commission:

The Lincoln Neighborhood Alliance wishes to express our concern about the lack of funding for sidewalks in the current Capitol Improvements Program. The LNA Plan for Action calls for the city to improve the repair backlog from the current forty year schedule to a more reasonable ten year schedule.

Sidewalks are a very important infrastructure and need for all of our neighborhoods - whether children on their way to school or adults on their way to work, church, or shopping. Good sidewalks increase safety and mobility. The Lincoln Neighborhood Alliance urges you to increase the funding for this important community need.

Thank you for your consideration and support,

--

Larry K. Zink  
For the Board of the Lincoln Neighborhood Alliance

4926 Leighton Ave.  
Lincoln, NE 68504  
402-464-6937

